

**SUBDIVISION REVIEW SHEET****CASE NO.:** C8-2019-0056.0A**Z.A.P. DATE:** July 7, 2020**SUBDIVISION NAME:** Westlake Heights**AREA:** 2.259 acres**LOTS:** 3**APPLICANT:** Hutson Interest, LLC  
(Duane Hutson)**AGENT:** Stantec Consulting Services, Inc.  
(Jennifer Leonard, P.E.)**ADDRESS OF SUBDIVISION:** 1608 Barclay Dr.**WATERSHED:** Eanes Creek / Barton Creek**COUNTY:** Travis County**EXISTING ZONING:** SF-2**JURISDICTION:** Full Purpose**PROPOSED LAND USE:** Residential

**VARIANCE:** A variance to L.D.C Section 25-4-33 for a Balance of Tract is requested for a neighboring unplatted property not included in the proposed subdivision. Section 25-4-33(B) requires that an applicant include all land from an original tract in a Subdivision application. Section 25-4-33(C) states that the Land Use Commission can waive this code section if the requirement is impractical. The property that is the Balance of Tract is west of the proposed subdivision, labeled as AR & JR Radio Tower #1 LP consisting of .229 acres with a cell tower use, refer to Exhibit #1 for the location of the tract.

The .229 acre Balance of Tract is owned by a separate owner and the owner has knowledge of the proposed subdivision. The applicant has provided notice to the adjacent owner of the proposed subdivision and received a response to the notice. The adjacent property owner acknowledges the subdivision application, and that the .229 acre Balance of Tract should not be included in the subdivision, see Exhibit #2.

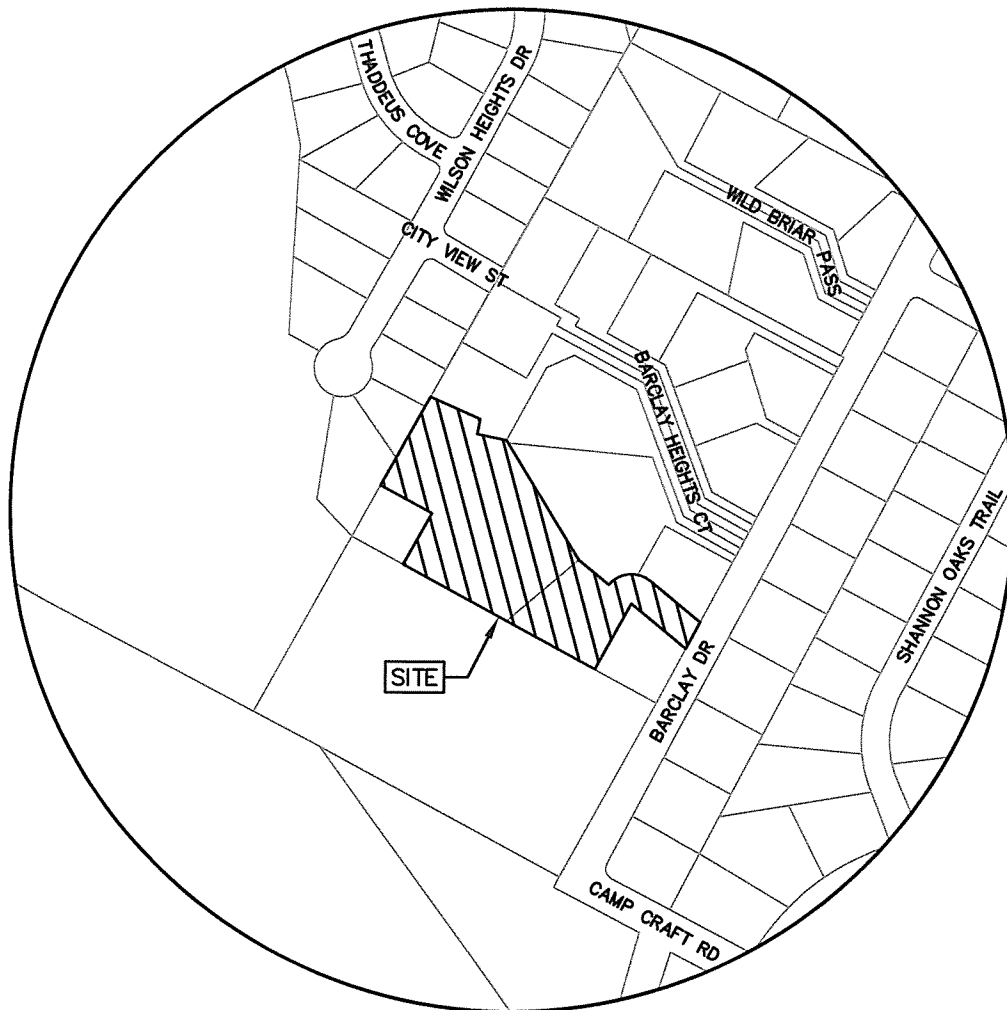
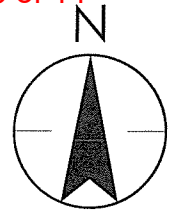
Staff recommends the variance since the adjacent property owner provided acknowledgement that the .229 acre tract should not be included in the proposed subdivision, and the Balance of Tract has access to public-right-of way through a Non-Exclusive Easement Agreement, refer to Exhibit #3. The Non-Exclusive Easement Agreement which serves the entire property included in the subdivision is annotated on the plat along Barclay Drive. The applicant will also provide a Joint Use Access Easement with this plat to serve the lots included in the plat, this easement is also annotated on the plat with a note.

**STAFF RECOMMENDATION:** If the variance is approved, staff recommends approval of the subdivision. With the variance approval, this plat would meet all other applicable State and City of Austin Land Development Code requirements.

**DEPARTMENT COMMENTS:** The request is for the approval of the Westlake Heights subdivision composed of 3 lots on 2.259 acres. The applicant proposes to subdivide the property for residential uses. The developer will be responsible for all cost associated with required improvements.

**CASE MANAGER:** Cesar Zavala  
**E-mail:** cesar.zavala@austintexas.gov

**PHONE:** 512-974-3404



SITE LOCATION MAP  
N.T.S.

v:\2220\active\222011617\civil\phase\_01\drawing\exhibit\222011617\exh01 site location map



Stantec Consulting Services Inc.  
1905 Aldrich Street Suite 300  
Austin TX 78723-3544  
Tel: (512) 328-0011  
www.stantec.com

TBPE # F-6324  
TBPLS # 10194230

Client/Project  
HUTSON INTEREST, LLC  
WESTLAKE HEIGHTS

Project No.  
222011617

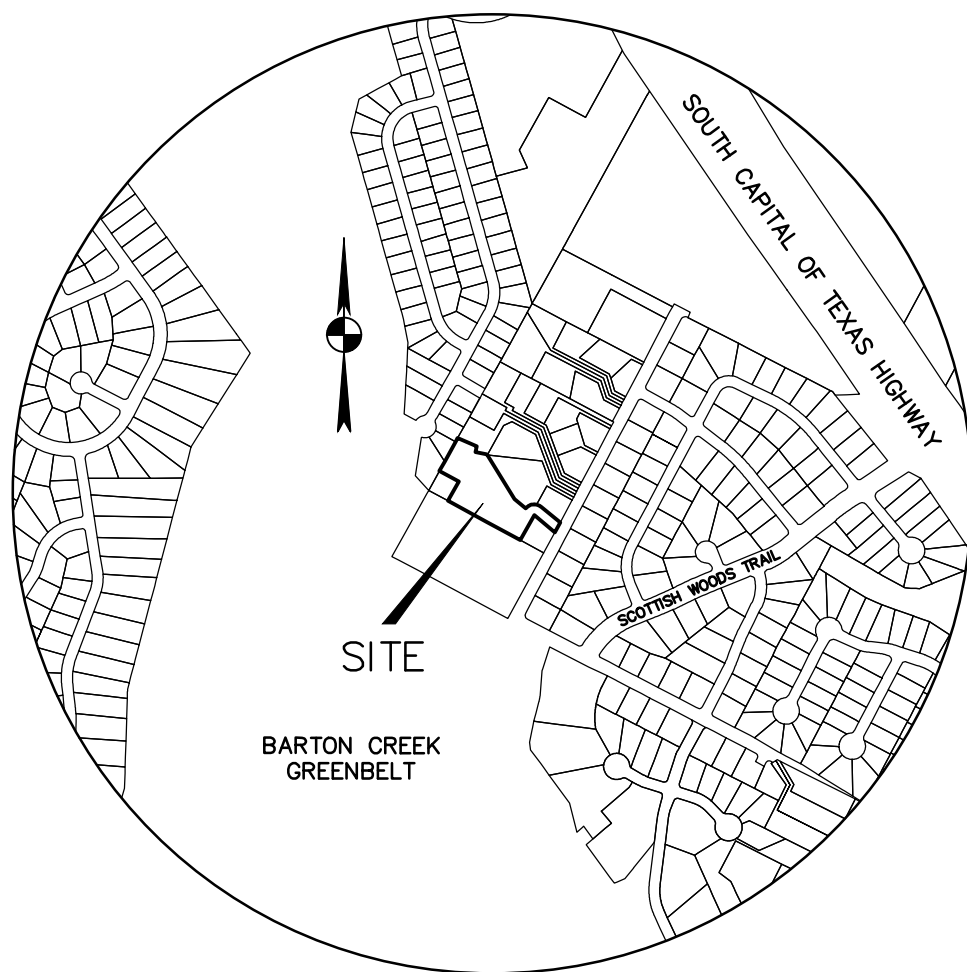
Title  
SITE LOCATION MAP

Revision  
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Reference Sheet

Date  
2019-03-12

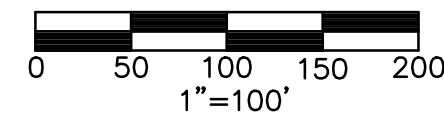
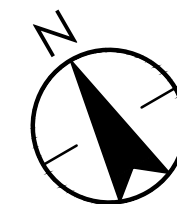
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VICINITY MAP  
N.T.S.

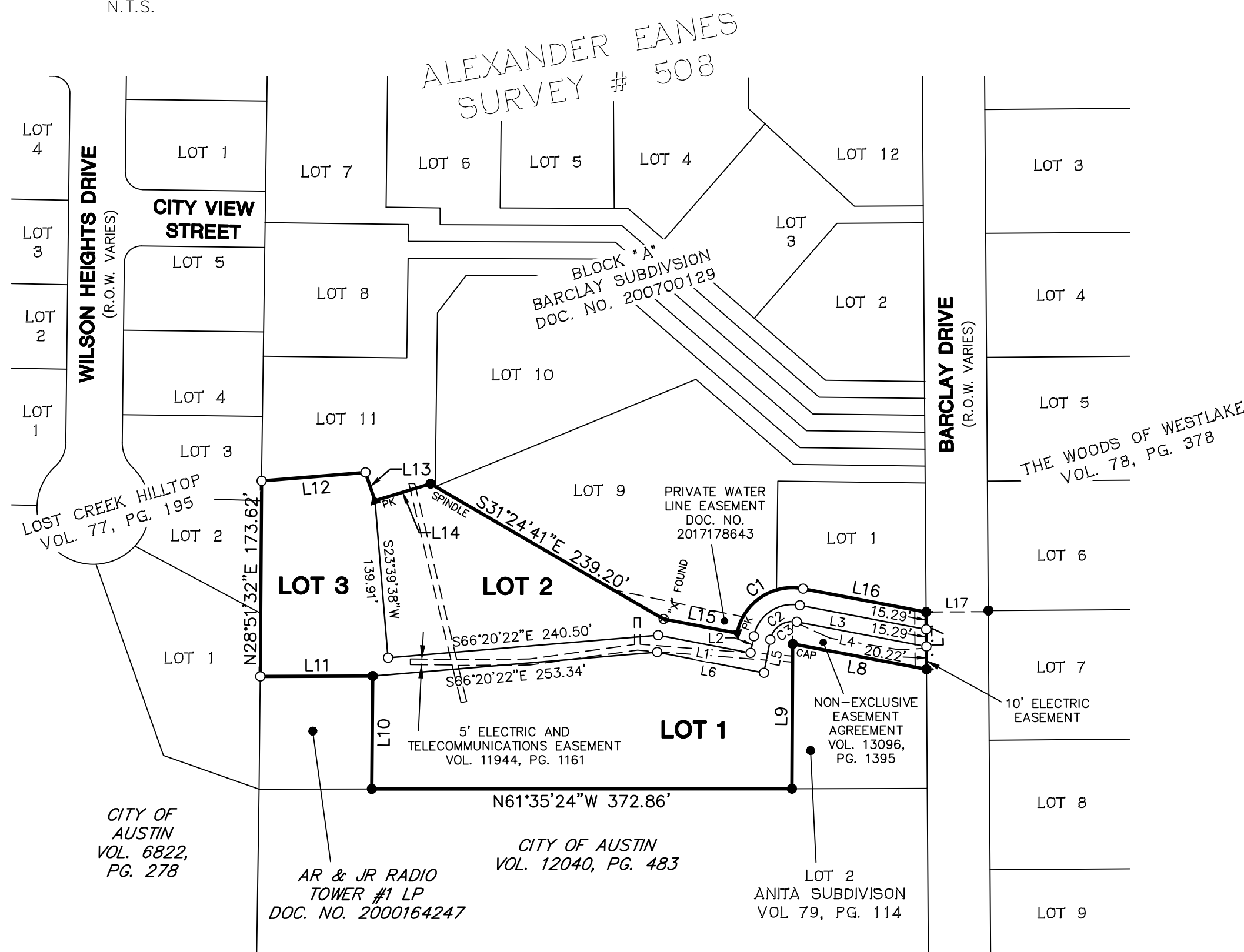
# WESTLAKE HEIGHTS SUBDIVISION

BEING A RESUBDIVISION OF LOT 1, BLOCK "A" ANITA SUBDIVISION AND 1.616 ACRE TRACT, SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS.



### BEARING BASIS NOTE:

THE BASIS OF BEARING OF THE SURVEY SHOWN HEREON IS TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83(96), UTILIZING ALLTERRA CENTRAL CONTINUALLY OPERATING REFERENCE STATION (CORS) NETWORK.



LOT SUMMARY			
LOT #	BUILDABLE	ACCESS	TOTAL
1	41,836 SQ FT	2,679 SQ FT	44,515 SQ FT
2	23,442 SQ FT	3,926 SQ FT	27,368 SQ FT
3	18,758 SQ FT	7,772 SQ FT	26,530 SQ FT
TOTAL	84,036 SQ FT	14,377 SQ FT	98,413 SQ FT

### LEGEND

- 1/2" IRON ROD FOUND
- 1/2" IRON ROD WITH "STANTEC" CAP SET
- ⊗ "X" FOUND "X" CUT IN CONCRETE FOUND
- CAP 1/2" IRON ROD WITH "HOLT CARSON" CAP FOUND
- ▲ PK PK NAIL FOUND
- SPINDLE COTTON SPINDLE FOUND
- · · SIDEWALK

LINE TABLE			LINE TABLE			LINE TABLE		
NO.	BEARING	DISTANCE	NO.	BEARING	DISTANCE	NO.	BEARING	DISTANCE
L1	S50°38'33"E	83.51'	L7	S28°03'08"W	50.80'	L13	S9°52'05"W	26.46'
L2	N39°21'27"E	14.96'	L8	N50°49'38"W	120.89'	L14	S78°33'37"E	51.61'
L3	S50°47'59"E	114.13'	L9	S28°45'18"W	128.52'	L15	S50°38'33"E	66.44'
L4	S50°47'59"E	117.14'	L10	N28°56'31"E	100.28'	L16	S50°47'59"E	111.12'
L5	N39°21'27"E	29.91'	L11	N61°46'00"W	99.98'	L17	S61°56'52"E	55.32'
L6	S50°38'33"E	96.44'	L12	S66°10'15"E	92.54'			

CURVE TABLE					
NO.	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	78.44'	50.00'	89°53'11"	N84°27'54"E	70.64'
C2	54.91'	35.00'	89°53'11"	S84°27'54"W	49.45'
C3	31.38'	20.00'	89°53'11"	S84°27'54"W	28.26'

### ACCESS EASEMENT NOTES:

RIGHT OF INGRESS AND EGRESS OF RECORD CITED IN VOLUME 4547 PAGE 807 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS FOR THE BENEFIT OF THE TRACT ADJOINING LOTS 1, 2 AND 3 SHOWN HEREON FOR A COMMUNICATIONS TOWER AND EQUIPMENT AFFECTS THIS SUBDIVISION.

A JOINT USE ACCESS EASEMENT IS RECORDED WITH THIS PLAT IN DOCUMENT NO. \_\_\_\_\_ OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

## WESTLAKE HEIGHTS SUBDIVISION

A 3 LOT SUBDIVISION  
CONSISTING OF 2.259 ACRES  
DATE: APRIL 12, 2019  
PREPARED BY:



**Stantec**

1905 Aldrich Street, Suite 300  
Austin, Texas 78723  
Tel. (512) 328-0011 Fax (512) 328-0325  
TBPE # F-6324 TBPLS # 10194230  
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Drawn by: ABB Approved by: JTB Project No.: 222011617

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SHEET

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OF 2



**C8-2019-0056.0A**



**Stantec Consulting Services Inc.**  
1905 Aldrich Street, Suite 300, Austin TX 78723

October 25, 2019  
File: 222011617

**Attention: Mr. Cesar Zavala**  
City of Austin -- Development Services Department  
505 Barton Springs Road  
Austin, Texas 78704

Dear Mr. Zavala,

**Reference: Westlake Heights Subdivision (C8-2019-0056.0A)**  
**Variance for Balance of Tract**

We are requesting a variance from Subsection B of the City of Austin Land Development Code 25-4-33, which states that "an applicant shall include all land in the original tract in an application for... plat approval."

The Westlake Heights subdivision application proposes to resubdivide an existing legal tract into three (3) single family residential flag lots by incorporating additional unplatted land. As a result of the Anita Subdivision and as described in the attached deed, a single tract from the original tract remains remain. This parcel is described in this letter as 'AR Tract' parcel number 0109230123. See **Exhibit A** attached to this letter.

The director may grant a variance to Subsection (B) if the director determines the following, stated in Subsection (D):

1. Subdividing only a portion of the original tract will not substantially impair the orderly planning of roads, utilities, drainage, and other public facilities;

**All roads, utilities, drainage, etc. are accounted for with the sequential subdivision construction plans for Westlake Heights, submitted under Case Number C8-2019-0056.0B that is currently under review by City staff.**

2. The portion of the original tract contiguous to the area to be subdivided has direct access to a public street, or the applicant has provided access to a public street by dedicating right-of-way at least 50 feet wide;

**Access to the AR Tract (parcel #0109230123) is currently provided as a blanket easement in Attachment A of Travis County document recorded as volume 4547 page 807. An additional access easement for the new flag lots created in this subdivision will also provide ingress/egress to the AR Tract.**

3. A reasonable use of the balance of the original tract is possible; and

**The tract is currently used as a radio and communications tower and reasonable use is not impeded by the proposed subdivision.**

4. The applicant has mailed, by certified mail, to all owner of land that is a portion of the original tract and contiguous to the land included in the application a request that each owner provide written confirmation to the director that:

- a. The owner's land is not a legal lot or tract; and



October 25, 2019  
Mr. Cesar Zavala  
Page 2 of 2

**Reference:** Westlake Heights Subdivision (C8-2019-0056.0A)  
Variance for Balance of Tract

- b. The owner must plat the land before the City may approve a development permit or a utility company may provide initial or additional service.

**A letter sent by certified mail stating the information above has been returned to the applicant stating that the owner(s) of the AR Tract do not wish to participate in the platting application. A copy of this letter has been provided to City of Austin staff, and is also provided with this request.**

In summary, we are requesting a variance from LDC 25-4-33(B) on the grounds that there is an existing legal lot created from the original tract, effectively deleting parcel #0109230123 from the balance of tract in its current state. The AR Tract was created by the deed TR Vol. 4547 Pg. 807 which also grants an existing blanket easement for access across the property to be platted. These existing conditions provide required access for reasonable use of the land. Additionally, the proposed access easement for the shared drive will provide defined access and easement frontage to the AR Tract.

If you have any questions, please do not hesitate to contact our office.

Regards,

**STANTEC CONSULTING SERVICES INC.**

Jennifer Leonard, P.E.  
Civil Engineer  
Phone: 512-328-0011  
Fax: 512-328-0325  
Jennifer.Leonard@stantec.com

*Attachments: Exhibit A: Site Location Map, Travis County Document Vol. 4547 Pg. 807,  
certified mail letter to AR Tract owners*

Design with community in mind



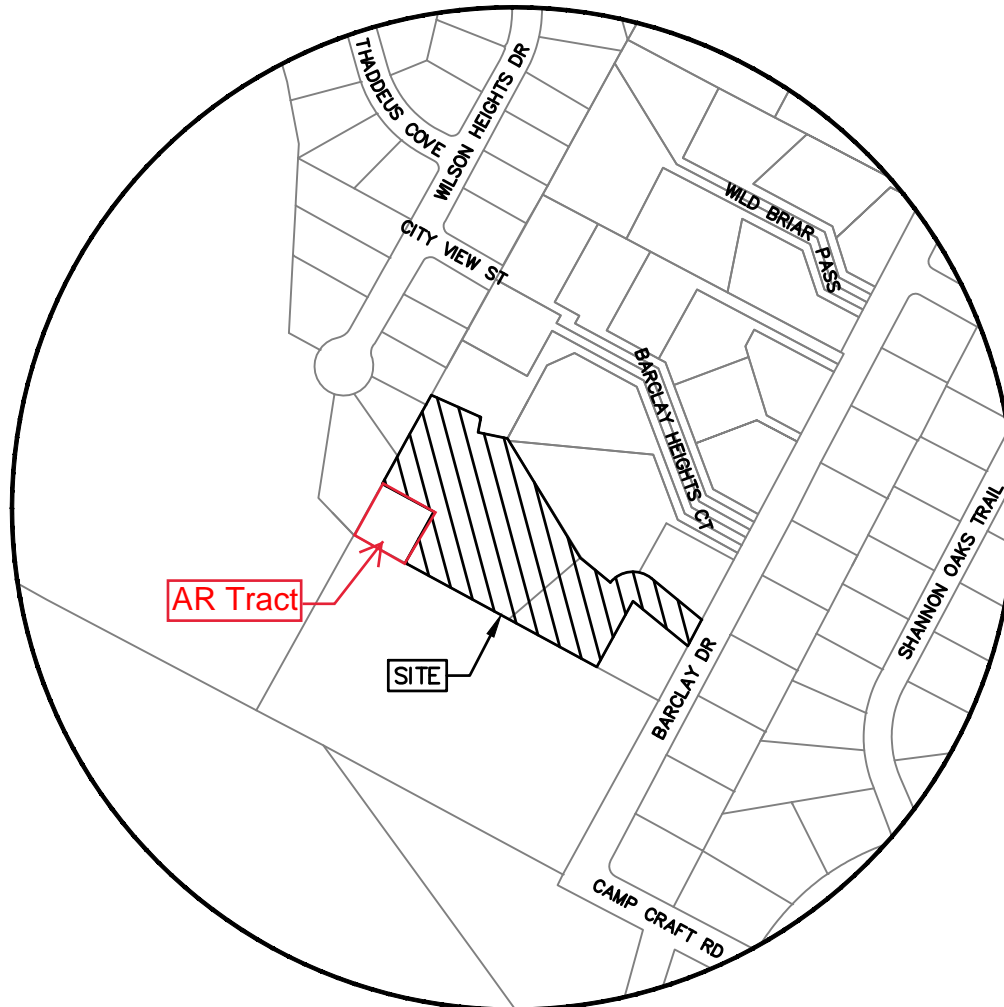
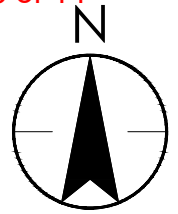
**EXHIBIT #1**

EXHIBIT A  
SITE LOCATION MAP  
 N.T.S.

v:\2220\active\222011617\civil\phase\_01\drawing\exhibit\222011617exh01 site location map



Stantec Consulting Services Inc.  
 1905 Aldrich Street Suite 300  
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TBPE # F-6324  
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Client/Project  
 HUTSON INTEREST, LLC  
 WESTLAKE HEIGHTS

Project No.  
 222011617

Title  
 SITE LOCATION MAP

Revision  
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Reference Sheet

Date  
 2019-03-12

Figure No.  
 EXH



August 26, 2019

AR & JR Radio Tower #1 LP  
P.O. Box 29627  
Austin, Texas 78755-6627

**Hutson Land Planners**  
& Development Consultants, LLC

Dear Property Owner:

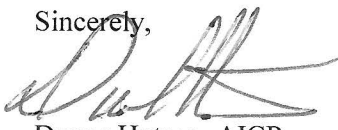
In compliance with Austin Land Development Code Section 25-4-33 ORIGINAL TRACT REQUIREMENT, I am writing this letter to notify you that an application for the re-subdivision of "Westlake Heights" has been submitted to the City of Austin Development Review Department. The purpose of the re-subdivision is to incorporate the remainder of the tract associated with 1608 Barclay Drive into a three-lot subdivision including the existing Lot 1 of the Anita Subdivision. Ingress and egress to your property will continue to be provided through the property being re-subdivided as described in the "Warranty Deed With Vendor's Lien" recorded as Travis County Deed Records Volume 4547 Page 407-810, on February 2, 1973.

It has been determined that your property at 1606 Barclay Drive, along with the property included in the re-subdivision area, was part of the original Warranty Deed (dated March 3, 1942 and recorded in the Deed Records of Travis County, book number 692, page 526 to 528) in effect when the property was brought into the City of Austin's extra-territorial jurisdiction (ETJ) on July 19, 1951. Although your property has been under separate ownership since February 2, 1973, the Austin Land Development Code requires that the owner of the balance of the original tract be notified of the proposed subdivision presently under consideration, and that you are given an opportunity to include your property in the proposed subdivision with the applicant.

If you do not wish to participate in the proposed subdivision, you should be aware that 1) the City may not recognize your property, the balance of the original tract, as a legal lot, and 2) you may be obligated to plan your property in the future as a condition of receiving new utility service from the City.

Please sign below acknowledging your receipt of this notice and return the form to Duane Hutson at your convenience or within ten (10) days of the postmarked date to the Planning and Development Review Department, Attention Case Manager: Westlake Heights Re-Subdivision (1608 Barclay Drive). If you have any questions or want to discuss this information in more detail, please contact me at 512-327-8222 or [duane@hutsonlandplanners.com](mailto:duane@hutsonlandplanners.com).

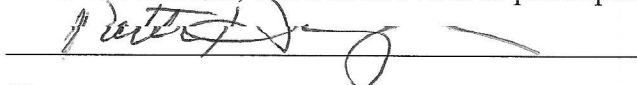
Sincerely,



Duane Hutson, AICP

CC: Case Manager  
Development Services Department  
P.O. Box 1688  
Austin, Texas 78767

My signature below attests that I have received the notice pursuant to Section 25-4-33(A)(4) of the Austin Land Development Code regarding the balance of the tract for the Westlake Heights Re-subdivision of Lot 1 of the Anita Subdivision, and I do not wish to participate in the re-subdivision process.



Signature



Date

NOTICE

Prepared by the State Bar of Texas for use by Lawyers only. 11-72-25M  
To select the proper form, fill in blank spaces, strike out form provisions or insert special terms constitutes the practice of law. No "standard form" can meet all requirements.

WARRANTY DEED WITH VENDOR'S LIEN

FEB-2-73 6877 \* 4.50

THE STATE OF TEXAS

COUNTY OF TRAVIS

KNOW ALL MEN BY THESE PRESENTS:

That LELAND BARCLAY AND WIFE JOHNNIE BARCLAY, HEREINAFTER CALLED "GRANTORS

of the County of TRAVIS and State of TEXAS for and

in consideration of the sum of TEN DOLLARS AND NO/100 (\$10.00)-----DOLLARS

and other valuable consideration to the undersigned paid by the grantee herein named, the receipt of

which is hereby acknowledged, and the further consideration of the sum of Five Thousand Dollars (\$5,000.00) paid and secured to be paid and secured to be paid by Grantees to the Grantors, according to the terms and conditions of one certain \$5,000.00 promissory note of even date herewith, executed and delivered by Allen R. Rundell, Grantee, made payable to Leland Barclay and wife, Johnnie Barclay, in Austin, Travis County, Texas; with interest as therein provided, and under terms and conditions as therein provided.

the payment of which note is secured by the vendor's lien herein retained, and is additionally secured by a deed of trust of even date herewith to

Trustee,

have GRANTED, SOLD AND CONVEYED, and by these presents do GRANT, SELL AND CONVEY unto

ALLEN R. RUNDELL AND WIFE, BETTY JEAN RUNDELL,

of the County of TRAVIS and State of TEXAS, all of the following described real

property in TRAVIS County, Texas, to-wit:

It being a tract of land out of the Alexander Eanes Survey #508, Travis County, Texas, and being a portion of that 18.17 acre tract conveyed by Henry Wire and wife to Leland Barclay and wife by Warranty Deed dated March 3, 1942, and recorded in the Deed Records of Travis County, Texas, book number 692 pages 526 to 528 and described by metes and bounds as follows:

Beginning at an iron stake the southwest corner of the Barclay 18.17 acre tract, the pipe being 1294.74 feet along the west boundary of the 18.17 acre tract from the northwest corner of the 18.17 acre tract this northwest corner being the southwest corner of the

DEED RECORDS  
Travis County, Texas  
5547  
807

2/2/77

4547  
807



Alexander Eanes Survey #507 and being also a corner of the Alexander Eanes Survey #508.  
 Thence N30°20'30" E 100.00 feet, along the west line of the 18.17 acre tract to a 1/2 inch round steel bar set in concrete for the northwest corner of this tract;  
 Thence S60°15'30" E 100.00 feet to a 1/2 inch round steel bar set in concrete for the northwest corner of this tract;  
 Thence S30°20'30" W 100.00 feet to a 1/2 inch round steel bar set in concrete in the south boundary of the 18.17 acre tract for southeast corner of this tract;  
 Thence N60°15'30" W 100.00 feet along the south boundary of the 18.17 acre tract to the point of beginning, said tract containing 0.2295 acres out of the Alexander Eanes survey #508, as surveyed by Leland Barclay, Registered Public Surveyor, registration #1313.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said grantees . their heirs and assigns forever; and we do hereby bind ourselves their heirs, executors and administrators to WARRANT AND FOREVER DEFEND all and singular the said premises unto the said grantee s , their heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

But it is expressly agreed that the VENDOR'S LIEN, as well as the Superior Title in and to the above described premises, is retained against the above described property, premises and improvements until the above described note and all interest thereon are fully paid according to the face, tenor, effect and reading thereof, when this Deed shall become absolute.

FOR RESTRICTIONS AND EASEMENTS SEE ATTACHMENT A

EXECUTED this 31st day of January . A. D. 19 73

1517 808

Leland Barclay  
 LELAND BARCLAY  
 Johnie Barclay  
 JOHIE BARCLAY



## (Acknowledgment)

THE STATE OF TEXAS  
COUNTY OF }

Before me, the undersigned authority, on this day personally appeared LELAND BARCLAY

known to me to be the person whose name \_\_\_\_\_ subscribed to the foregoing instrument, and acknowledged to me that \_\_\_\_\_ he \_\_\_\_\_ executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office on this the 31<sup>st</sup> day of January, A. D. 1973.

Priscilla Crisp  
Notary Public in and for

Travis  
County, Texas

NOTARY SEAL

## (Acknowledgment)

THE STATE OF TEXAS  
COUNTY OF }

Before me, the undersigned authority, on this day personally appeared JOHNIE BARCLAY

known to me to be the person whose name \_\_\_\_\_ subscribed to the foregoing instrument, and acknowledged to me that \_\_\_\_\_ he \_\_\_\_\_ executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office on this the 31<sup>st</sup> day of January, A. D. 1973.

Priscilla Crisp  
Notary Public in and for

Travis  
County, Texas

NOTARY SEAL

## (Acknowledgment)

THE STATE OF TEXAS  
COUNTY OF }

Before me, the undersigned authority, on this day personally appeared

known to me to be the person whose name \_\_\_\_\_ subscribed to the foregoing instrument, and acknowledged to me that \_\_\_\_\_ he \_\_\_\_\_ executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office on this the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 19 \_\_\_\_\_

Notary Public in and for

County, Texas

## (Corporate acknowledgment)

THE STATE OF TEXAS  
COUNTY OF }

Before me, the undersigned authority, on this day personally appeared \_\_\_\_\_ of \_\_\_\_\_

a corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated and as the act and deed of said corporation.

Given under my hand and seal of office on this the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 19 \_\_\_\_\_

Notary Public in and for

County, Texas

1547 809



## ATTACHMENT A

72-7520

The above described property shall be restricted for a period of fifty (50) years to use as a site for a communications tower and attendant equipment which shall be necessary for the operation of the communications tower. Grantee, covenants and agrees, which covenants shall bind his heirs, executors and assigns, that the above described property shall be restricted as described above. Upon breach of the above conditions, Grantor or his heirs shall have the right to bring an action for re-entry for termination of interest for breach of the condition.

Grantor covenants that Grantee, his successors or assigns shall have a right of egress and ingress to the above described property, over that land retained by Grantee. Said right of egress and ingress shall bind Grantor, his heirs, and assigns, being a covenant running with the land. However, in the event that egress and ingress becomes practical from the Western bounding property, the above described easement shall terminate.

STATE OF TEXAS  
I hereby certify that this instrument was FILED on the  
date and at the time stamped herein by me, and was duly  
RECORDED, in the Volume and Page of the PUBLIC RECORDS  
of Travis County, Texas, as Stamped herein by me, on

FEB 2 1973



*Doris Schaefer*  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

FILED

FEB 2 10 07 AM '73

*Doris Schaefer*  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

4547 810

## PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

Commission is required to approve the subdivision by State law if no variances are required, and if it meets all requirements. A board or commission's decision on a subdivision may only be appealed if it involves an environmental variance. A variance may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision. A notice of appeal must be filed with the director of the responsible department no later than 14 days after the decision. An appeal form may be available from the responsible department.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
  - appearing and speaking for the record at the public hearing;
- and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
  - is the record owner of property within 500 feet of the subject property or proposed development; or
  - is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

For additional information on the City of Austin's land development process, visit our web site: <http://www.austintexas.gov/development>.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

**Case Number: C8-2019-0056.0A**

**Contact: Cesar Zavala, 512-974-3404 or**

**Cindy Edmond, 512-974-3437**

**Public Hearing: July 7, 2020, Zoning and Platting Commission**

JOHN CUDDEBACK

Your Name (please print)

☐ I am in favor  
☒ I object

1502 SHANNON OAKS

Your address(es) affected by this application

John Cuddeback 06/20/2020  
Signature Date

Daytime Telephone: 512 328 4439

Comments: Proposal is for SF-2  
zoning. Current lot size  
in adjacent subdivisions  
are over 10,000 square feet

If replatted as SF-1,  
no objection

If you use this form to comment, it may be returned to:

**City of Austin – Development Services Department / 4<sup>th</sup> Floor**

**Cesar Zavala**

**P. O. Box 1088**

**Austin, TX 78767-8810**